REMARKS/ARGUMENTS

Pursuant to 37 C.F.R. § 1.116, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

In the Claims

Claims 9, 12, and 15 - 24 are presented for the Examiner's consideration.

Claims 9, 15 and 21 have been amended to more clearly show that the second layer of the invention is formed directly on top of the first layer and is thus adjacent to the first layer. These amendments find support in the specification at page 10, lines 28 – 34 and at page 12, lines 5 – 19. Additionally, claims 9, 15, and 21 have been amended to indicate the elastomeric nature of the inventive glove and article as indicated in the specification at page 7, line 32 – page 8, line 1. No new matter has been added.

The Applicant requests that the amendments be entered as they place claims 9, 12 and 15 - 24 in proper form for allowance, or minimally, the amendments place the claims in better condition for appeal as they reduce the issues for appeal by ameliorating the Examiner's rejection for indefiniteness and by further distancing the present invention from the cited references.

Regarding Examiner's rejections

1. Rejection for anticipation by Richardson et al.

By way of the Office Action mailed August 27, 2004, claims 9, 15, and 18 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Richardson et al. (EP 0672509 A2). This rejection is respectfully **traversed** to the extent that it may apply to the present claims.

The method of Richardson '509 produces a rubber article by first applying a liquid elastomer to a former, after which a separation material is applied on top of this first layer, and then a liquid elastomer is applied to this separation material (column 1, lines 19 – 50). Using such a process, the elastomeric bodies preferentially adhere to the separation material rather than each other (column 3, lines 31 - 36). The two layers are separated by the separation material to enhance detection of any penetration of liquid between the layers (column 3, lines 36 – 38). Such separation is also desired to allow the separation material to act as a release agent that eases the separation of the inner and outer layers (column 3, lines 38 – 41). The layers are made of different colors such

that if a perforation, puncture or small rupture exists in the article, there will be change in perceived color at the site where ruptured (column 4, lines 23 – 30).

Another embodiment of Richardson '509 produces an article where a capillary layer is formed between two layers of elastomeric latex, where the two layers which have less adhesion to each other than they have cohesion (column 4, lines 38 – 56). The article has a space formed between the layers (column 5, lines 8 – 15). The layers are contrasting color such that if liquid breaches the outer layer, capillary action takes place between the two layers such that there is a perceived color change in the area spreading from the breach (column 5, lines 10 – 40).

In marked contrast, in the present invention the second coating is coated directly on top of the first coating of the former (page 10, lines 28 – 34 and claims 9 and 15). The second coating forms another coat on the elastomeric article rather than the distinct and separate layer of Richardson '509. The coats of the present invention are made to visually contrast so that the user can see that multiple coats are present (page 14, lines 1 – 9). Such a glove offers a user the reassurance that multiple layers of protection stand between the user and various hostile or sensitive environments. The visibly distinct coats indicate the increased level of barrier protection to the user (page 17, lines 20 – 21).

Richardson '509 does not teach the application of a second coat of elastomer directly on top of the first coat of the present invention. Instead, it teaches the formation of multiple layers that are separated by either another material or by a gap. Richardson '509 actually goes so far as to teach away from the present invention in stating that the adherence of individual layers to each other in a multi-layer laminate can be detrimental, making detection of breach during manufacture generally difficult (column 1, lines 5 – 9).

Therefore, Richardson et al. (EP 0672509 A2) fails to disclose each and every element of the Applicant's claims. Applicant respectfully submits that the rejection of claims 9, 15 and 18 under 35 U.S.C. § 102(b) in view of Richardson et al. (EP 0672509 A2) is improper and should be withdrawn.

2. Rejection for obviousness by Richardson et al. ('509) in view of Richardson et al. ('294) – Claim 12

By way of the Office Action mailed August 27, 2004, claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Richardson et al. (EP 0672509 A2) and further in view of

Richardson et al. (U.S. Patent No. 5,524,294). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

As discussed above in the rejection of claims 9, 15, and 18, Richardson '509 does not teach the application of a second coat of elastomer directly on top of the first coat of the present invention. Instead, it teaches the formation of multiple layers that are separated by either another material or by a gap. In addition, as stated in the Office Action mailed March 23, 2004, Richardson '509 does not teach a third coating.

Richardson '294 teaches the formation of two separate glove-shaped bodies on the same former such that adhesion of the two glove-shaped bodies is avoided; the two bodies separate when jointly removed form the former (column 4, lines 46 – 53). Richardson '294 does nothing to cure the defects of the Richardson '509 reference as it fails to teach the application of a second coat of elastomer directly on top of the first coat.

Therefore, while it might be possible to combine Richardson et al. (EP 0672509 A2) with Richardson et al. (U.S. Patent No. 5,524,294), they individually, and jointly, fail to disclose each and every element of the Applicant's claims. Applicant respectfully submits that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established, and the rejection of claims 16, 17, 19 and 20 should be withdrawn.

3. Rejection for obviousness by Richardson et al. ('509) in view of Richardson et al. ('294)

By way of the Office Action mailed August 27, 2004, claims 16, 17, 19, and 20 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Richardson et al. (EP 0672509 A2) and further in view of Richardson et al. (U.S. Patent No. 5,524,294). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

As discussed above, neither Richardson '509 nor Richardson '294 teaches the application of a second coat of elastomer directly on top of the first coat of the present invention. In addition, as the stated in the Office Action mailed March 23, 2004, Richardson '509 does not teach a third coating.

Claims 16, 17, 19 and 20 are dependent claims and contain all the limitations of claim 15. For the reasons previously discussed, Richardson et al. (EP 0672509 A2) in view of Richardson et al. (U.S. Patent No. 5,524,294) does not disclose each and every element of the present invention.

Applicant respectfully submits that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established, and the rejection of claims 16, 17, 19 and 20 should be withdrawn.

4. Rejection for obviousness by Richardson et al. ('509) in view of Horwege et al.

By way of the Office Action mailed August 27, 2004, claims 21 – 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Richardson et al. (EP 0672509 A2) in view of Horwege et al. (U.S. Patent No. 5,881,386). This rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

As discussed above, Richardson '509 does not teach the application of a second coat of elastomer directly on top of the first coat of the present invention. In addition, as the stated in the Office Action mailed March 23, 2004, Richardson '509 does not teach a third coating, using polyvinylchloride as a first layer, or using polyurethane as a second layer. Therefore, Richardson '509 is not a proper base reference for a rejection of obviousness.

Moreover, Applicant's representatives have reviewed Horwege et al. and have been unable to locate any teaching or suggestion of visually contrasting layers. Applicant contends there is much to dissuade one of ordinary skill in the art from combining the teaching of Richardson '509 as to two contrasting layers plus a separation layer with Horwege's teaching about adhering a slip agent and texturing agent to a glove as a single, user-contacting layer.

Regardless, even if it might be possible to combine Richardson et al. (EP 0672509 A2) with Horwege et al. (U.S. Patent No. 5,881,386), they individually, and jointly, fail to disclose each and every element of the Applicant's claims. Applicant respectfully submits that a *prima facie* case of obviousness under 35 U.S.C. § 103(a) has not been established, and the rejection of claims 21 - 24 should be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the present claims are in form for allowance.

Please charge any prosecutional fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. The undersigned may be reached at: (770) 597-8640.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Nathan Hendon, hereby certify that on September 24, 2004, this document is being sent by facsimile to the United States Patent and Trademark Office, central facsimile number for all patent application related correspondence, at 703-872-9306.

By: _____

Nathan Hendon